

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LEADER TECHNOLOGIES, INC., a
Delaware corporation

Plaintiff and Counterdefendant,

v.

FACEBOOK, INC., a Delaware
corporation

Defendant and Counterclaimant.

CIVIL ACTION

NO. 1:08-cv-00862-JJF

**DECLARATION OF CRAIG W. CLARK IN SUPPORT OF DEFENDANT'S MOTION
FOR ORDER COMPELLING RESPONSE TO FACEBOOK INTERROGATORY NO. 10**

I, Craig W. Clark, declare:

1. I am an attorney with White & Case LLP, counsel of record in this action for defendant Facebook, Inc. ("Facebook"). I make this declaration in support of Facebook's Motion for Order Compelling Response to Facebook Interrogatory No. 10. I have personal knowledge of the facts contained within this declaration and, if called as a witness, could testify competently to the matters contained herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of a document received from Plaintiff Leader Technologies, Inc. ("LTI") production labeled LTI 000742 - LTI 000760, titled "Provisional Application for Patent Cover Sheet," bearing Patent Office Serial Number 60/432255 and dated December 11, 2002, (the "Provisional Application").

3. Attached hereto as **Exhibit B** is a true and correct copy of a document received from LTI production labeled LTI 000427 - LTI 000492, titled "Utility Patent Application Transmittal," bearing Patent Office Serial Number 10/732744 and dated December 10, 2003, (the "744 Application").

4. On March 25, 2009, Facebook propounded its Second Set of Interrogatories (10) to LTI. On April 24, 2009, LTI served its responses to Facebook's Second Set of Interrogatories (10). Attached hereto as **Exhibit C** is a true and correct copy of LTI's Responses to Facebook Interrogatory No. 10, which recites Facebook Interrogatory No. 10 as propounded on page 6.

5. Attached hereto as **Exhibit D** is a true and correct copy of a letter dated April 27, 2009 from me to Lisa Koblialka, counsel for LTI.

6. On May 11, 2009, I participated in a telephone conference with Ms. Koblialka during which we discussed Faceboook Interrogatory No. 10 and LTI's response thereto. Ms. Koblialka took the position that LTI would not supplement its response to Facebook Interrogatory No. 10 until Facebook made a prima facie case of invalidity and produced prior art that came into existence between the filing date of the Provisional Application and the '744 Application. Attached hereto as **Exhibit E** is a true and correct copy of a letter dated May 12, 2009 from me to Ms. Koblialka reflecting the matters discussed during that May 11, 2009 conference.

7. Attached hereto as **Exhibit F** is a true and correct copy of a letter dated May 13, 2009 received by me from counsel for LTI.

8. Attached hereto as **Exhibit G** is a true and correct copy of a letter dated May 14, 2009 from me to Ms. Koblialka. As of the execution of this declaration, I have not received a response to this letter from counsel for LTI.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 20, 2009 in Palo Alto, California.



Craig Clark